

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONYA BOWLES,

Plaintiff,

v.

Case No. 23-cv-10973
(Previously Case No. 20-cv-12939)
Honorable Linda V. Parker

COUNTY OF WAYNE BY
ITS BOARD OF COMMISSIONERS,
Also known as CHARTER COUNTY
OF WAYNE BY ITS BOARD OF
COMMISSIONERS,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION FOR EXPEDITED ENTRY OF AN INDICATIVE RULING
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 62.1**

This Court's class action certification decision in this matter currently is pending before the Sixth Circuit Court of Appeals for review. Plaintiff has moved for an indicative ruling pursuant to Federal Rule of Civil Procedure 62.1. In her proposed order granting the motion, Plaintiff sets forth how the Court would revise the certified class if the Sixth Circuit remanded the matter without deciding the appeal.

As this Court indicated in the Notice filed on May 17, 2024 (ECF No. 39) and during the status conference on June 18, 2024 (ECF No.), it believes there are substantial issues in its class certification which require reconsideration. The

Court does not agree with Plaintiff, however, that the issues she identifies are the specific or only matters requiring reconsideration.

In any event, if the Sixth Circuit remands the matter, this Court intends to review the class certification. Particularly, the Court intends to reconsider and conduct a more rigorous analysis of whether the commonality and predominance requirements for class certification under Federal Rule of Civil Procedure 23(b)(3) are satisfied. The Court additionally needs to consider the impact of the Michigan Supreme Court's recent decision in *Schafer v. Kent County*, -- N.W.2d --, 2024 WL 3573500 (Mich. July 29, 2024).

Accordingly,

IT IS ORDERED that Plaintiff's motion for an indicative ruling is **GRANTED IN PART AND DENIED IN PART** in that the Court will immediately reconsider its class certification upon remand from the Sixth Circuit.

IT IS FURTHER ORDERED that a copy of this Order shall, pursuant to Federal Rule of Appellate Procedure 12.1(a), be promptly provided by Plaintiff's counsel to the Circuit Clerk to notify the Sixth Circuit of this indicative ruling.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 3, 2024